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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In the Matter of the Complaint

Civil Action No.: **22-CV-1273**

-Of -

H&L CONTRACTING LLC, as Owner  
and/or Owner Pro Hac Vice of Sectional Deck  
Barge, for Exoneration from or Limitation of  
Liability,

**ORDER**

Petitioner.

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A Complaint having been filed herein on February 15, 2022, by the above-named petitioner H&L Contracting, LLC pursuant to 46 U.S.C. §§ 30501 *et seq.*, involving admiralty and maritime claims within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure and Rule F of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions of the Federal Rules of Civil Procedure, concerning any claims for loss or damage, arising or resulting from an incident involving alleged damage to a submerged transmission cable which is claimed to have occurred on November 4, 2020, while petitioner's Deck Barge was upon the navigable waters of the United States in Barnegat Bay, New Jersey, as more fully described in the Complaint;

**AND** the Complaint having stated that petitioner's interest in the value of the Deck Barge on the day of the alleged incident did not exceed the sum of \$1,412,000, inclusive of the material handler on the deck at the time of the incident.

**AND** petitioner has filed with the Court an *Ad Interim* Stipulation for value for the benefit of any and all claimants, with surety, equal to the amount of petitioner's interest in the value of said vessel and material handler as of the date of the alleged incident, with interest at the rate of 6% *per annum* from the date of said security, executed by marine insurer Travelers Property Casualty Company of America;

**NOW**, on motion of attorneys for petitioner, it is hereby:

**ORDERED** that the above-described *Ad Interim* Stipulation for Value, with interest as aforesaid, filed by petitioner for the benefit of any and all claimants as security representing the petitioner's interest in the value of the Deck Barge and material handler as of the date of the alleged incident, be and is hereby approved; and

**IT IS FURTHER ORDERED** that the Court, only upon motion and good cause shown, shall cause appraisalment of the value of petitioner's interest in the Deck Barge and material handler on the date of the alleged incident, and may thereupon order security increased or reduced if it finds the amount thereof insufficient or excessive; and

**IT IS FURTHER ORDERED** that any claimant in these proceedings may express, only upon motion and good cause shown and by written notice filed with the Court and served upon all parties of record, its dissatisfaction with Travelers Property Casualty Company of America as surety. In this event, petitioner shall within thirty (30) days of the entry of an order by the Court concerning the surety, cause security to be posted in the form provided by Supplemental Rule F(1) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions of the Federal Rules of Civil Procedure, and satisfactory to this Court failing which the injunction entered concurrently herewith will be vacated as to all claimants,

and the Court will make such further orders as the justice of the cause may require; and

**IT IS FURTHER ORDERED** that a Notice shall be issued by the Clerk of this Court to all persons, firms, entities or corporations, having any claim or suit against the petitioner with respect to which the Complaint seeks exoneration from or limitation of liability, admonishing them to file their respective claims with the Clerk of this Court, in writing, and to deliver or mail to the attorneys for the petitioner, James E. Mercante, Esq., RUBIN, FIORELLA, FRIEDMAN & MERCANTE LLP, 630 Third Avenue, 3<sup>rd</sup> Floor, New York, New York 10017, a copy thereof, ON OR BEFORE THE 11<sup>th</sup> DAY OF April, 2022, or be defaulted; and that if any claimant desires to contest either the right to exoneration from or the right to limitation of liability, such claimant shall file an Answer to the Complaint on or before the aforesaid date, unless the claim has included an Answer to the Complaint, as required by Supplemental Rule F of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions of the Federal Rules of Civil Procedure, and deliver or mail a copy to the attorneys for the petitioner, or be defaulted.

**IT IS FURTHER ORDERED** that the aforesaid Notice shall be published in a newspaper with a general circulation, once a week for four (4) weeks before the return date of said Notice, as provided by the aforesaid Rule F of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions of the Federal Rules of Civil Procedure, and copies of said Notice shall be mailed by petitioner in accordance with this Rule to every person known to have any claim against the vessel, or petitioner, or to their attorneys; and

**IT IS FURTHER ORDERED** that the further prosecution of any and all actions, suits and proceedings already commenced and the commencement or prosecution hereafter of any

and all suits, actions, or proceedings of any nature and description whatsoever in any Court of any jurisdiction, or otherwise, against the petitioner, insurers, and/or the said vessel and material handler, and the taking of any steps, entry of any order or judgment and the making or continuing of any motion in and/or concerning such actions, suits or proceedings except in this action, with respect to the aforesaid alleged incident, be and they hereby are restrained, stayed and enjoined until the hearing and determination of this action, and all warrants of arrest and/or attachments issued or sought in such other suits, actions or legal proceedings be and the same are hereby dissolved and further warrants of arrest and/or attachments are hereby prohibited; and

**IT IS FURTHER ORDERED** that service of this Order as a Restraining Order be made through the Post Office by mailing a conformed copy hereof to the person or persons to be restrained, or to their respective attorneys.

Dated: March 11 2022

New York, NY



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U.S.D.J.